

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **#1**

CASE NUMBER: SAC 09-607 **L.U.C.B. MEETING:** August 13, 2009

STREET NAME: Cleveland Street Alley Closure

LOCATION: Beginning at a point on the east side of South Cleveland Street, 160 feet south of Madison Avenue, and extending east to Watkins Street

COUNCIL DISTRICT: 7

SUPER DISTRICT: 8

APPLICANT: Medical Education & Research Institute

REPRESENTATIVE: Brenda Solomito

REQUEST: Close an existing, improved alley running between Cleveland Street and Watkins Street

LENGTH: 568 feet

SURROUNDING LAND USE & ZONING:

North: Convenience store and offices in the Highway Commercial (C-H) District

East: Offices in the Highway Commercial (C-H) & General Office (O-G) District

South: Offices, parking, and a restaurant in the Highway Commercial (C-H) District

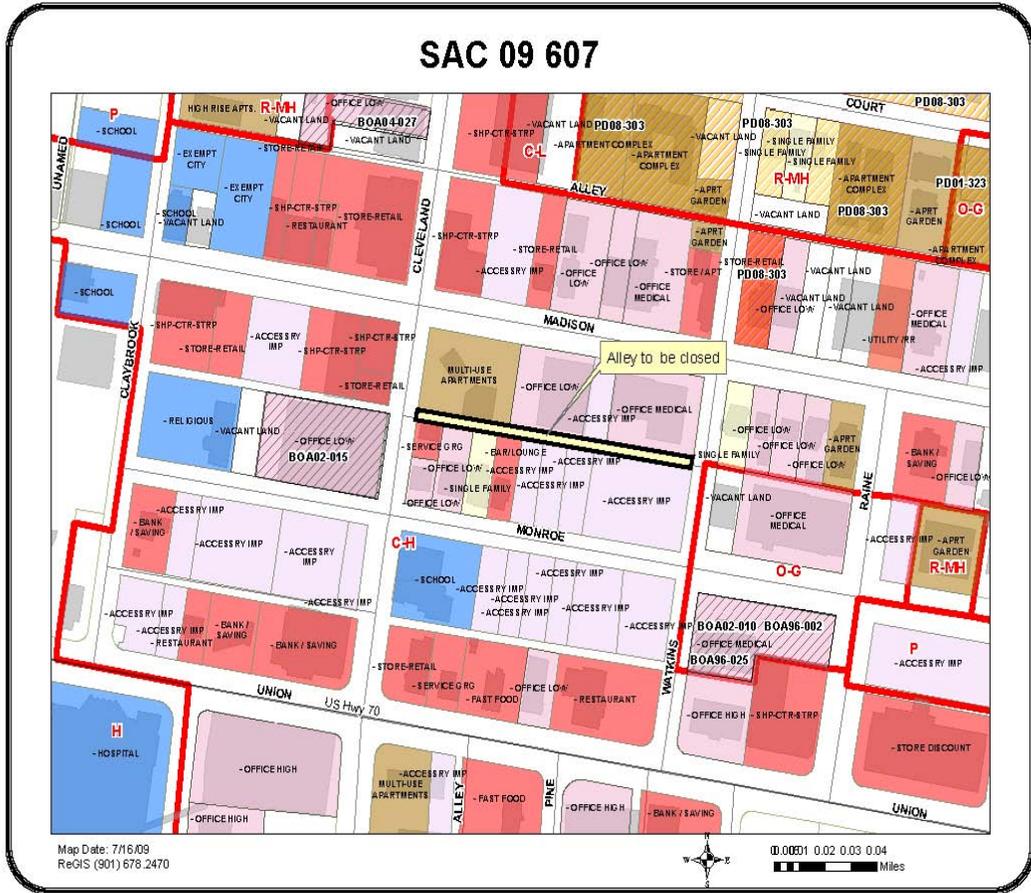
West: Offices and commercial uses in the Highway Commercial (C-H) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

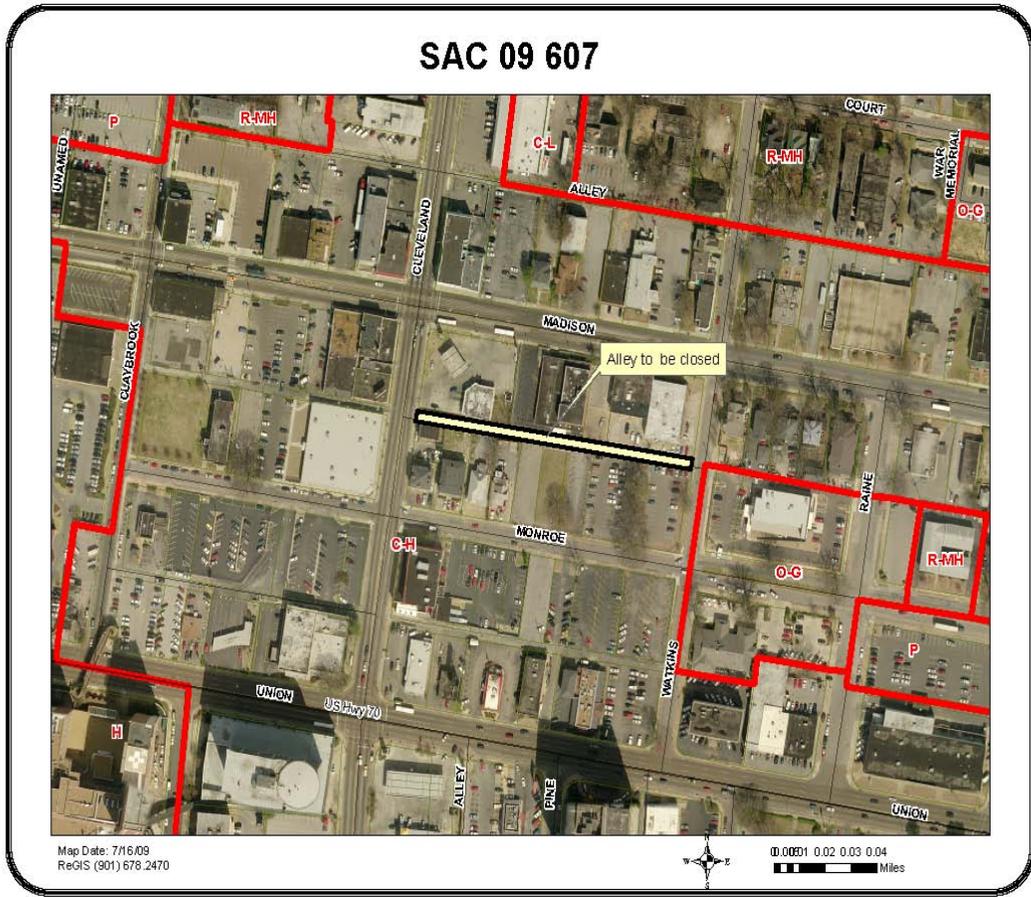
Hold to explore impacts to implementing the Medical Center District Plan and preparation of an adoptable block plan

CONCLUSIONS

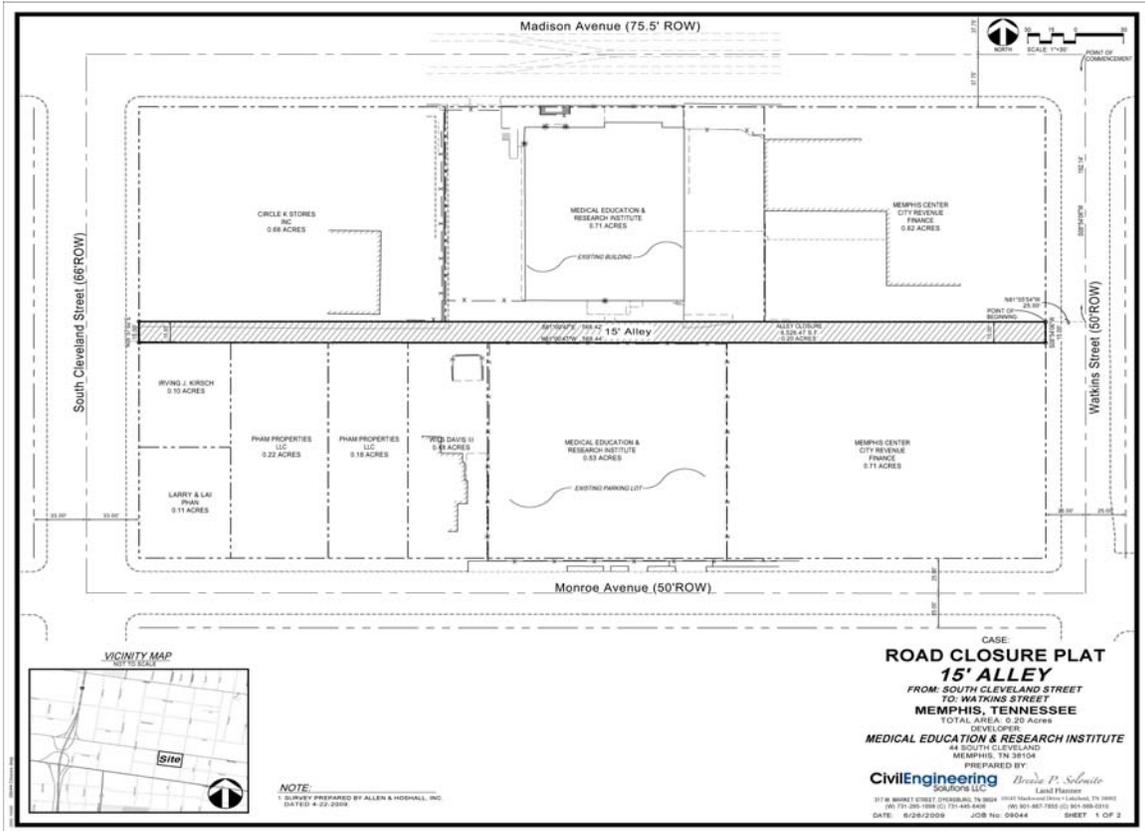
1. The Medical Education and Research Institute (MERI) is proposing to close the alley to secure and unite a parking lot area with an existing building along Madison Avenue. The existing public alley currently separates the two.
2. MERI would enclose their property with a chain-link fence, fence off the Cleveland Street end of the alley with a gate, and leave the Watkins Street alley entrance open as a private driveway opening to serve as the vehicular access to their parking and building.
3. The alley and its abutting properties are located within the Medical Overlay District approved by the Memphis City Council on 01/12/07. The purpose of this district is to support the investment efforts of the various institutional uses located within district by providing restrictions on those uses deemed incompatible with the future land uses anticipated in the area. The area is intended to have a more urban, pedestrian-friendly, walkable character in the future.
4. Both Madison Avenue and Monroe Avenue are designated as “Pedestrian Frontage” streets. This requires that buildings abut the street front and sidewalk with no parking between the building and the street. Parking areas are to be located at the side and rear of buildings.
5. The request cannot be supported at this time. The alleys in the area can be used to further promote the development character sought by remaining as access points to the rear of buildings and parking areas and allowing buildings to be pulled up to the street. Without them, the pedestrian street fabric envisioned will be compromised. With them, the overlay district elements are more attainable. The applicant should prepare an adoptable block plan that might accomplish both their objectives and the City’s planning objectives.



Land Use & Zoning Map



Aerial Photo



Closure Plat



Alley from Cleveland Street looking east



Alley from Watkins Street looking west



Significant utilities exist in the alley



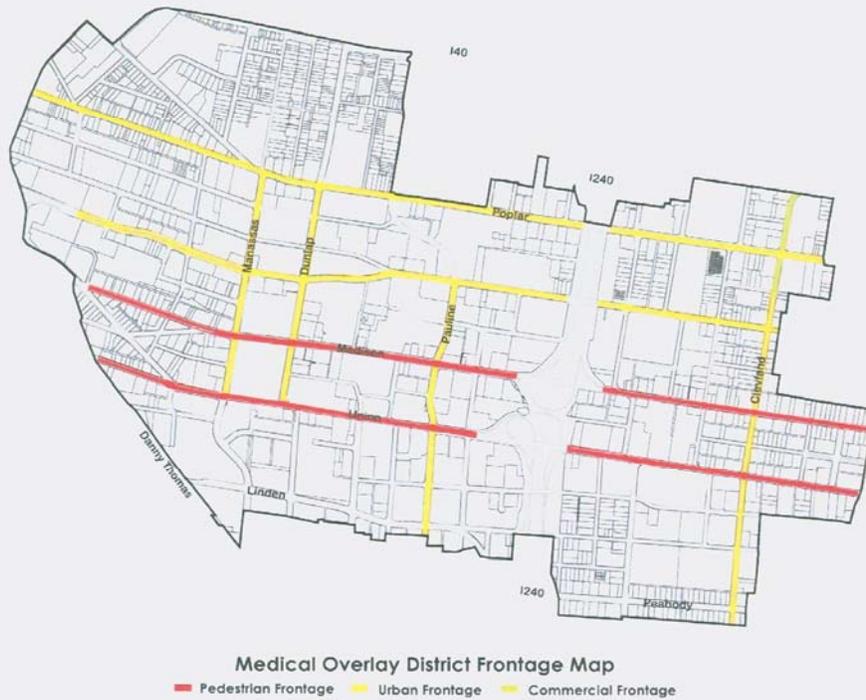
Alley driveway apron at Cleveland Street



Alley driveway apron at Watkins Street

1.6.2 Frontage Map

The following map designates Pedestrian, Urban, and Commercial Frontages within the Medical Overlay District.

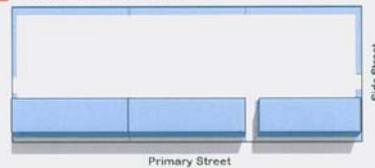


The alley parallels both Madison Avenue and Monroe Avenue which are designated as “Pedestrian Frontage” streets.

1.6 BUILDING ENVELOPE STANDARDS

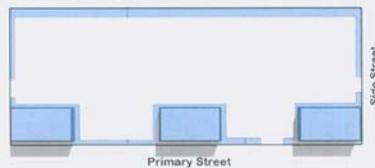
1.6.1 Applicability

PEDESTRIAN FRONTAGE



Buildings abut the street front and sidewalk – “Main Street” environment. There is no parking between the building and the street. Parking areas are located to the rear of buildings. Entrances are prominent and street facing. There often are two entrances, a pedestrian entrance and an ancillary automobile entrance.

URBAN FRONTAGE



Buildings abut the street front and sidewalk with greater spacing in between to balance the needs of both the pedestrian and automobile. There is no parking between the building and the street. Parking areas are located to the side and rear of buildings. Entrances are prominent and street facing. There often are two entrances, a pedestrian entrance and an ancillary automobile entrance.

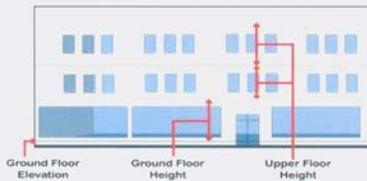
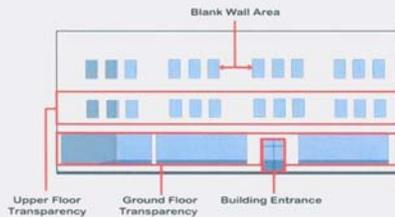
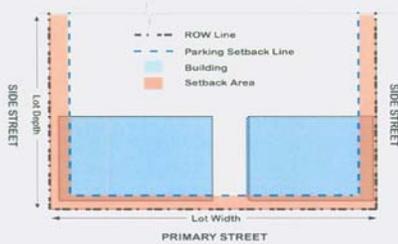
COMMERCIAL FRONTAGE



Buildings are set back further from the street to allow for easier access by automobile. Parking occurs in front of buildings but is limited two bays with a single drive aisle. There is usually a single entrance facing the primary street served by an internal sidewalk.

Pedestrian Frontage streets permit no parking between the front of the building and street. An existing alley makes it advantageous to perpetuate this type of development.

PEDESTRIAN FRONTAGE
 (see 1.8.1 for related streetscape standards)



Memphis, Tennessee

1-11
 January 2007

Medical Overlay District

BUILDING & PARKING PLACEMENT

LOT AREA & WIDTH

No minimum

SETBACK AREA

7 ft. to 15 ft. behind ROW line

REQUIRED BUILDING FRONTAGE

1. Primary street (lots 100 ft. or more in width). The building façade must be located within the setback area for a minimum of 80% of the lot width.
2. Primary street (lots less than 100 ft. in width). The building façade must be located within the setback area for a minimum of 70% of the lot width. For lots under 100 ft. in width, the required building frontage may be reduced to accommodate no more than a single 20-ft. access drive for a rear parking area.
3. Side street. The building façade must be located within the setback area for a minimum of 40% of the lot depth.

PARKING SETBACK

1. Primary street setback. Min 15 ft. behind ROW line.
2. Side street setback. Min 10 ft. behind ROW line.
3. Parking shall be located behind the parking setback line. No parking is permitted between the street and the building. This requirement shall not restrict on-street parking.

ELEMENTS

TRANSPARENCY (WINDOWS & DOORS)

1. Ground floor. Primary Street min 60%, Side Street min 30%, situated between 2 and 12 ft. above the adjacent sidewalk. Ground floor residential, office and industrial uses may provide translucent windows to meet all transparency requirements.
2. Upper floor. Min 20% situated from floor to floor.
3. Retail sales and service uses. A minimum of 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 8 ft. Windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).

BUILDING ENTRANCE

1. A functioning entrance, operable during normal business hours, is required facing the primary street. An angled entrance may be provided at either corner of the building along the primary street to meet this requirement.
2. A building located on two primary streets shall have either one entrance per frontage or provide one angled entrance at the corner of the building at the intersection. Buildings located on corner lots shall meet all applicable intersection sight distance requirements. Additional entrances off another street, pedestrian area, or internal parking area are permitted.
3. A minimum of 50% of the required entrance shall be transparent.
4. Recessed entrances shall not exceed 3 ft. in depth and one floor in height.

BLANK WALL AREA

Blank lengths of wall exceeding 30 linear ft. are prohibited on all building façades.

HEIGHT

BUILDING HEIGHT

See 1.7 for maximum height requirements.

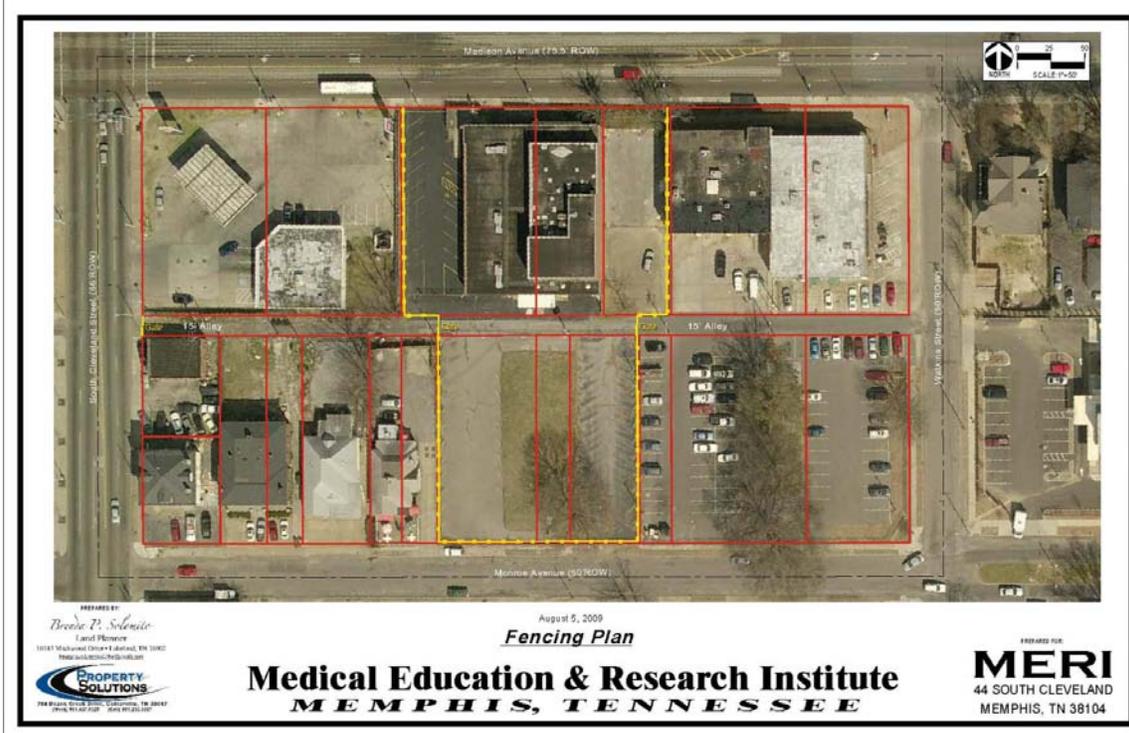
GROUND FLOOR ELEVATION

For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk (measured from the front building façade to the top of the finished ground floor). There is no minimum for ground floor nonresidential uses.

FLOOR HEIGHT

1. The ground floor shall have at least 14 ft. of clear interior height (floor to ceiling) for a minimum depth of at least 25 ft.
2. The maximum floor-to-floor height for the ground floor is 20 ft.
3. The maximum floor-to-floor height for floors other than the ground floor is 12 ft.
4. At least 80% of each upper floor shall have an interior clear height (floor to ceiling) of at least 9 ft.

Pedestrian Frontage Building & Parking Placement Criteria



The MERI proposal would fence off their property (in yellow), gate the alley end along Cleveland Street, and provide a private driveway opening at Watkins Street.

STAFF ANALYSIS

Existing Area Character

The alley proposed for closing is in an area of Midtown comprised of many different land uses in various states of condition. The alley itself is abutted by a convenience store, restaurant, automobile repair, office buildings, and surface parking lots.

The physical condition of the alley is fair. The alley is fully functioning and passable along its eastern half, but more difficult to traverse on its western end (see photographs on Pages 6-10 in this report).

The applicant (Medical Education and Research Institute - MERI) has an existing multi-story facility just southwest of the alley at 44 South Cleveland Street. The building was formerly used by the postal service and completely refurbished by the applicant for their medical teaching and research operations. MERI supports state-of-the-art hands-on educational courses in minimally invasive training and research and medical simulation training for physicians, nurses, paramedics, and other health care professionals from across the country and around the world.

Purpose of the Request

MERI recently purchased the building at 1381 Madison Avenue and also purchased a vacant parking lot south of the building that is separated from the building by the alley being considered for closing. The building at 1381 Madison Avenue is currently being used for highly sensitive data storage and record keeping. At some point in the future, this building will be used for offices with the recently-purchased parking lot providing the supportive parking for the office use. The alley closing would permit the building and parking lot to be linked and secured.

A proposed fencing plan is illustrated on Page 14. The entire alley would be closed as a public thoroughfare. A gate would be provided at the Cleveland Street end of the alley to permit access to existing utilities and a public sewer easement. The MERI Building and parking lot proper would be separately fenced off with employee/customer vehicular access gained by using the Watkins Street end of the alley which would become a private driveway.

Request Cannot Be Supported At This Time

While the redevelopment efforts of MERI are applauded, the closing of the alley cannot be supported at this time. As touched on in the “Conclusions” provided on Page 2 of this report and the plan elements presented on Pages 11-13 of this report, a substantial redevelopment effort is underway in this area that is supported by the recently-adopted Medical Center Overlay Plan by the Memphis City Council. While one may ask how could closing an alley have an impact on redevelopment and plan implementation, it nonetheless does when attempting to create/recreate street frontages that emphasize pedestrian activity and closeness of buildings. The alleys serve this design standard well as they allow a direct block end to block end point of access to parking and service areas at the rear of buildings. Without this, the ability to pull buildings up to the street front and avoid multiple driveway openings along the street to access parking areas on the various properties simply does not exist.

An alternative to keeping the alley open for public access would be an approved block plan where all the property owners are a participant and commit to a development plan that accomplishes the purposes of the Medical District Overlay while preserving a private, rear access way designed into an overall plan. The OPD Staff is concerned at this point that not only is the alley closing in conflict with the Medical Center Overlay Plan, but that not all abutting property owner signatures have been obtained at this point acknowledging support of the current application. At this point, it is recommended the alley closing request be held to allow the applicant to prepare a block plan with commitment from all block owners to provide a plan that not only meets their needs, but those of the City. A planned development application would be the most suitable vehicle to accomplish this.

RECOMMENDATION: Hold to explore impacts to implementing the Medical Center District Plan and preparation of an adoptable block plan

If recommended for approval by the Land Use Control Board as submitted by the applicant, the following conditions should accompany the recommendation:

1. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
3. The applicant shall comply with all conditions of the closure within two years of the conditional approval of the closure by the City Council.
4. Any fencing erected shall follow the Site Development Standards for Fences and Walls (Section 1.9.3) of the Medical District Overlay Ordinance.

GENERAL INFORMATION

Planning District: Midtown

Census Tract:

Intersecting Streets: South Cleveland Street and Watkins Street

Zoning Atlas Page: 2030

DEPARTMENTAL COMMENTS:

The following comments were provided by agencies to which this application was referred:

City Engineer:

Street Closures:

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5. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
6. The applicant shall comply with all conditions of the closure within 365 days of the conditional approval of the closure by the City Council.

City Fire Division: No comments received.

City Real Estate: None.

City/County Health Department: The Water Quality Branch has no comments.

City Board of Education:

The subject property does not appear to be adjacent to any property which has been identified as belonging to Memphis City Schools (MCS). No identifiable impact on MCS' school-aged population nor MCS' property interests.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has no objection, subject to the following conditions:

- **MLGW has existing utility distribution facilities within the present public right of way.** The City of Memphis shall retain an easement across the proposed alley closure, from edge to edge of the road right of way, to accommodate any existing public utilities, including electric, gas, water, CATV, telephone, sewer, drainage, etc
- If it is necessary for MLGW facilities to be installed, removed or relocated, any work performed by MLGW will be done at the expense of the owner/applicant.
- MLGW reserves the right to retain a utility right-of-way within that portion of the existing public road right of way at all times for existing utilities, or the owner/applicant may choose to relocate existing utilities at the expense of the owner/applicant.

MLGW must be able to access any overhead or underground facilities. Consequently, no permanent structure(s) shall be constructed or erected within that portion of the existing public right of way including fences, buildings, patios, vehicle parking or paving.

- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which

may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.

- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
 - All commercial developers must contact MLGW's Builder Services line at 367-3343 to initiate the utility installation process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Bell South / Millington Telephone: No comments received.

Memphis Area Transit Authority (MATA): No comments received.

OPD-Regional Services: No comments.

OPD-Plans Development: No comments.

Memphis Park Commission: No comments received.

911 System: No comments received.

Neighborhood Associations:

New Pathways: No comments received.

Central Gardens Area Association: No comments received.

Annesdale Park Association: No comments received.

Evergreen Historic District Association: No comments received.

Monroe Avenue Residents Coalition: No comments received.

Center City Commission: Generally, rear-loaded, alley-serviced property serves a vital function in providing service and parking access while allowing buildings to be pulled to the street with rear parking. The proposal would make it difficult to enforce frontages along this block of Monroe in the future.

Memphis Bioworks: No objection to this alley closure at this time. It might help the security of the block if some of the pass through traffic from Cleveland were not cutting through the middle of this block.

SW-NRS

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